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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 EDWARD KEITH GULBRANDSON,
12 CDCR #C-46985,

13 Plaintiff,

14 vs.

15 GOODYEAR TIRE & RUBBER
16 COMPANY,

17 Defendant.

Civil No. 08-1143 LAB (NLS)

**ORDER GRANTING PLAINTIFF'S
MOTION REQUESTING
EXTENSION OF TIME TO
FILE MOTION TO PROCEED
IN FORMA PAUPERIS**

[Doc. No. 7]

18 **I. PROCEDURAL HISTORY**

19 Edward Keith Gulbrandson ("Plaintiff"), a state prisoner currently incarcerated at Richard
20 J. Donovan Correctional Facility in San Diego, California and proceeding pro se, initiated this
21 civil rights action pursuant to 42 U.S.C. § 1983 on June 24, 2008.

22 Because Plaintiff did not prepay the \$350 filing fee mandated by 28 U.S.C. § 1914(a) or
23 file a Motion to Proceed *In Forma Pauperis* ("IFP") pursuant to 28 U.S.C. § 1915(a), the Court
24 dismissed the case on July 2, 2008 [Doc. No. 5]. Plaintiff was granted forty-five (45) days,
25 however, to either prepay the full \$350 filing fee, or request leave to proceed IFP on a form
26 provided by the Clerk of Court.

27 On July 29, 2008, Plaintiff submitted a motion requesting additional time in which to
28 complete his IFP and to acquire the prison trust account statements required by 28 U.S.C.

1 § 1915(a)(2) (“A prisoner seeking to bring a civil action ... without payment of fees ... in addition
2 to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund
3 account statement ... for the prisoner for the 6-month period immediately preceding the filing
4 of the complaint.”). *See* Pl.’s Mot. [Doc. No. 7] at 2.

5 **II. STANDARD OF REVIEW**

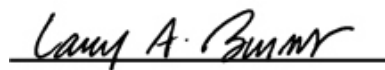
6 This is Plaintiff’s first request for an extension of time, he is proceeding without counsel
7 and his request is timely. *See Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir.
8 1990) (court has a “duty to ensure that pro se litigants do not lose their right to a hearing on the
9 merits of their claim due to . . . technical procedural requirements.”). Thus, the Court finds good
10 cause to grant Plaintiff’s request. “‘Strict time limits . . . ought not to be insisted upon’ where
11 restraints resulting from a pro se prisoner plaintiff’s incarceration prevent timely compliance
12 with court deadlines.” *Eldridge v. Block*, 832 F.2d 1132, 1136 (9th Cir. 1987) (citing *Tarantino*
13 *v. Eggers*, 380 F.2d 465, 468 (9th Cir. 1967); *see also Bennett v. King*, 205 F.3d 1188, 1189 (9th
14 Cir. 2000) (reversing district court’s dismissal of prisoner’s amended pro se complaint as
15 untimely where mere 30-day delay was result of prison-wide lockdown).

16 **III. CONCLUSION AND ORDER**

17 Accordingly, the Court hereby **GRANTS** Plaintiff’s Motion for an Extension of Time
18 [Doc. No. 7]. Plaintiff is hereby **ORDERED** to either prepay the entire \$350 civil filing fee
19 pursuant to 28 U.S.C. § 1914(a), *or* complete and file the Court-approved form “Motion to
20 Proceed *In Forma Pauperis*,” along with a certified copy of his prison trust fund statement, no
21 later than **Monday, September 8, 2008**. If Plaintiff chooses not to pay the filing fee or fails to
22 submit his properly supported IFP Motion within that time, this action shall remain dismissed
23 for the reasons set forth in the Court’s July 2, 2008 Order.

24 **IT IS SO ORDERED.**

25 DATED: August 17, 2008

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27 **HONORABLE LARRY ALAN BURNS**
28 United States District Judge